

# Public School Desegregation and Education Facilities

*Should federal district courts order defendants in school desegregation cases to address deficiencies in school facilities?*

By Richard C. Hunter, Ed.D.



**E**arly federal court decisions in school desegregation placed little emphasis on public school facilities. Those early decisions focused primarily on requiring black and white students to attend the same schools and requiring the integration of teachers.

*Green v. County Board of Education in New Kent County* (1968), a public school desegregation case in Virginia, was responsible for the now-famous six *Green* factors related to desegregation in public schools: stu-

dent assignment, faculty assignment, staff assignment, facilities, transportation, and extracurricular activities.

Federal district courts use these *Green* factors to determine whether the vestiges of deliberate and unlawful segregation in public schools have been eliminated. In many cases, school districts are not given unitary status until they have satisfied the court and have met all the *Green* factors. School districts seek unitary status to eliminate their supervision by the court for their federal law violations against black public school students.



## Other Public School Desegregation Cases

*Swann v. Charlotte-Mecklenburg Board of Education* (1971), which involved the public schools of Charlotte and Mecklenburg County, North Carolina, is one of the landmark public school desegregation cases. In addition to affirming that busing could be used to achieve school desegregation, *Swann* required the Charlotte-Mecklenburg Public Schools to take school desegregation into account when constructing new school facilities.

The *Swann* case provided a legal basis for *Bradley v. School Board of Richmond* (1971, 1973), which sought to remedy legal segregation in the public schools of Richmond, Virginia, in *Bradley I*, by first busing students from black neighborhood schools to white schools and vice-versa. In *Bradley II*, the school district attempted to consolidate the city schools with those in the neighboring counties of Chesterfield and Henrico to provide more meaningful school desegregation, as the vast majority (83%) of the public school students in Richmond were black and the overwhelming majority of students in the two counties were white (Pratt 1992).

## Swann required the Charlotte-Mecklenburg Public Schools to take school desegregation into account when constructing new school facilities.

This consolidation request was approved by the federal district court in Richmond and on appeal went to the U.S. Supreme Court. The high court denied the consolidation of these school districts by a 4–4 vote, with Justice Powell, a former chair of the Richmond Public School Board, abstaining.

Another landmark school desegregation case was *Milliken v. Bradley* (1974, 1977), which the U.S. Supreme Court struck down. *Milliken II* would have permitted combining the Detroit public schools with neighboring county schools.

Unlike the Richmond case, in which the Court denied the consolidation of city schools with regional schools, it ordered other remedies for the racially segregated Detroit schools. This order required the state of Michigan to fund compensatory education programs designed to improve public education for Detroit's students who were covered by *Milliken I*. This funding included instructional improvement, such as reduced class sizes, which had not been ordered in *Milliken I* or by courts in other school desegregation cases.

After the *Milliken II* decision, public school desegregation litigants began taking a more comprehensive view of public school desegregation and began asking federal district courts to require broader remedies (Hunter 2004).

## The Role of School Facilities

Should federal district courts order defendants in school desegregation cases to address deficiencies in school facilities?

## Many people view *Missouri v. Jenkins* (1995) as the most far-reaching school desegregation case in the United States.

Many people view *Missouri v. Jenkins* (1995) as the most far-reaching school desegregation case in the United States. In that case, the state of Missouri was required to correct de facto racial inequality in schools by funding several remedial education programs, including full-day kindergarten, expanded summer school, before- and after-school tutoring, an early childhood education program, and a comprehensive magnet school program; by increasing salaries; and by making extensive capital improvements related to the programs.

The funding of the capital improvements is of particular importance here. The district court required the state to fund the initial phase of the capital improvements plan at a cost of \$37 million and the school district's long-range capital improvement plan at a cost of over \$187 million. Overall, the district's capital plan called for renovating approximately 55 schools, closing 18 facilities, and constructing 17 new schools (Alexander and Alexander 2009).

## Rationale for Improving School Facilities

What does the literature tell us about the relationship between student achievement and educational facilities? Will better educational facilities produce higher student achievement?

## The funding of the capital improvements is of particular importance here.

I served for several years as an educational consultant in school facility planning for the Kansas City (Missouri) Public School District and was an expert witness in *Jenkins*. After the ruling, the court ordered me to develop program specifications for the district's magnet school plan, to develop a long-range capital improvement plan for all the district's 90 school buildings, and to conduct a suburban school comparability analysis of the district's educational facilities vis-à-vis 15 schools in neighboring school districts. I was also required to present my findings, cost estimates from work with a team of local architects, student enrollment demographic





projections, and overall recommendations to the court, which I did on three occasions.

Overall, the Kansas City schools were not well maintained and were in serious disrepair. The district had not passed a tax increase for more than 25 years and did not have sufficient funds to maintain the physical plant. Many buildings had not been painted for decades. The schools needed new roofs, tuck pointing, and many safety improvements.

Researchers have been unable to prove statistically the relationship between school facilities and educational achievement. McGuffey (1982) reports that school building age, thermal factors, lighting quality, color, acoustics, and size all influence student achievement. Schneider (2002) identifies several school facility factors that contributed to student achievement, such as indoor air quality, ventilation, lighting, building age, and school size. Lackney (1999) cites 10 factors that are important in determining the effect of educational facilities on student learning: crowding and spaciousness, sensory

stimulation, privacy, places for social interaction, personalization and ownership, aesthetics and appearance, building functionality, safety and security, classroom adaptability, and physical comfort and health.

And according to Moore and Lackney (1993), the size of the school affects student achievement. They maintain that large schools undermine character development and socialization in students, and argue that students who attend smaller schools are more involved in cocurricular activities, have a better sense of responsibility, are more involved in governing decisions, and have a more positive self-concept.

Although there is no conclusive evidence that school facilities have a direct effect on student achievement, my experience with school desegregation in Kansas City, Missouri, has cemented my perceptions that there is a connection.

## References

- Alexander, K., and M. D. Alexander. 2009. *American public school law*. 7th ed. Belmont, CA: Wadworth, Cengage Learning.
- Bradley v. School Board of Richmond*, 412 U.S. 92 (1971, 1973).
- Green v. County Board of Education in New Kent County*, 391 U.S. 430 (1968).
- Hunter, R. C. 2004. The administration of court-ordered school desegregation in urban school districts: The law and experience. *Journal of Negro Education* 73 (3): 218–28.
- Lackney, J. A. 1999. Assessing school facilities for learning/assessing the impact of the physical environment on the educational process: Integrating theoretical issues with practical concerns. Paper presented at the UEF21 New Jersey Institute of Technology Conference, Newark, September 17.
- McGuffey, C. 1982. Facilities. In *Improving Educational Standards and Productivity*, edited by H. Walhberg, pp. 237–88. Berkeley, CA: McCutchan Publishing.
- Milliken v. Bradley*, 418 U.S. 717 (1974, 1977).
- Missouri v. Jenkins*, 515 U.S. 70 (1995).
- Moore, G. T., and J. A. Lackney. 1993. School design: Crisis, educational performance and design applications. *Children's Environments* 10 (2): 1–22.
- Pratt, R. 1992. *The color of their skin: Education and race in Richmond, Virginia 1954–1989*. Charlottesville: University Press of Virginia.
- Schneider, M. 2002. *Do school facilities affect academic outcomes?* Washington, DC: National Clearinghouse for Educational Facilities.
- Swann v. Charlotte-Mecklenburg Bd. of Ed.*, 402 U.S. 1 (1971).

---

**Richard C. Hunter, Ed.D.**, is a professor of educational administration and former head of the Educational Organization and Leadership Department at the University of Illinois at Urbana-Champaign. Email: [rchunter@uiuc.edu](mailto:rchunter@uiuc.edu)